

DOC# 59

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
PLAINTIFF

CR#: 1:96-CR-01098-EOI

VS.

ANDREW RAMSAY,
PETITIONER.

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U.S. COURT OF APPEALS

MOTION SEEKING COMPASSIONATE RELEASE/
REDUCTION OF SENTENCE / MODIFICATION OF
IMPOSED TERM UNDER 18 U.S.C. § 3582
(c)(1)(A)(i), AND THE APPOINTMENT OF COUNSEL.

1. INTRODUCTION:

DEFENDANT ANDREW RAMSAY ("HEREINAFTER"
("RAMSAY"), PROCEEDING PRO-SE, RESPECTFULLY MOVES
THIS COURT FOR A REVIEW AND ORDER REDUCING HIS
SENTENCE BASED ON CONGRESS' INITIATIVE TO
"INCREASE THE USE AND TRANSPARENCY OF COMPASSIONATE
RELEASE" UNDER THE "FIRST STEP ACT". PUB. L. NO. 115-
391, SECTION 603(b), 132 STAT. 5194, 5239 (2018). AS
DETAILED BELOW, RAMSAY WILL EXHIBIT EXTRAORDINARY

(1)

AND COMPELLING REASONS" IN CONJUNCTION WITH EXEMPLARY POST-SENTENCING REHABILITATION, ALONE WITH, SCIENTIFIC ANALYSIS OF CASES SUPPORTING THE NEED FOR JUDICIAL REVIEW. SUCH A REDUCTION, AFTER REVIEW, WOULD BE CONSISTENT WITH UNITED STATES SENTENCING GUIDELINES ("U.S.S.G.") § 1B1.13 AND 18 U.S.C. § 3553 (a) FACTORS. IN SUPPORT OF THIS MOTION, RAMSAY, STATES THE FOLLOWING FACTS THAT RAMSAY PROPOSES WILL MEET THE STANDARD OF REVIEW AND "EXTRAORDINARY AND COMPELLING REASONS" THAT WILL ASSIST TOWARDS WARRANTING RELIEF.

2. FACTUAL AND PROCEDURAL BACKGROUND:

ON JANUARY, 4, 1993, RAMSAY WAS ARRESTED BY NEW YORK CITY HOMICIDE FOR THE CHARGE OF "MURDER IN THE FIRST DEGREE" FOR THE KILLING OF PAUL SPIED, NICOLE BROWN, AND "BABY" BROWN ON SEPTEMBER, 7, 1992 AT A BLOCK PARTY IN THE BRONX, NEW YORK. RAMSAY PROCEEDED TO TRIAL ON THE CHARGE(S) OF THREE (3) COUNTS OF FIRST DEGREE MURDER. RAMSAY WAS ACQUITTED OF ALL COUNTS.

SUBSEQUENTLY, RAMSAY WAS DETAINED BY

IMMIGRATION OFFICERS, EVEN UNDER THE LEGAL STATUS OF A CITIZEN, AND TAKEN INTO FEDERAL CUSTODY. ON NOVEMBER 21, 1996, RAMSAY WAS NAMED IN A ONE COUNT INDICTMENT CHARGING HIM WITH "MURDER IN THE AID OF RACKETEERING," IN VIOLATION OF 18 U.S.C. § 1959(a)(1).

THE GOVERNMENT DISMISSES THE ORIGINAL INDICTMENT AND A SECOND INDICTMENT IS FILED ON JULY, 23, 1997. THE APPELLANT ENTERED A PLEA OF "NOT GUILTY" BEFORE THE HONORABLE JED S. RAKOFF, ON JULY 28, 1997. ON AUGUST, 4, 1997, THE APPELLANT WAS FOUND GUILTY OF MURDER IN THE AID OF RACKETEERING AND GIVEN A MANDATORY SENTENCE OF LIFE.

3. STANDARD OF REVIEW:

IN 2018, CONGRESS PASSED THE "FIRST STEP ACT" ("FSA") PUB. L. NO. 115-391, 132 STAT. 5194. THE STATUTE AMENDS NUMEROUS PORTIONS OF THE UNITED STATES CODES TO PROMOTE REHABILITATION OF PRISONERS AND UNWIND DECADES OF MASS INCARCERATION. CONG. RESEARCH. SERV. R45558, THE FIRST STEP ACT OF 2018: AN OVERVIEW I (2019).

HERE, RAMSAY SEEKS MERCY FROM THIS COURT AND CONSIDERATION(S) OF THE SCIENTIFIC STUDIES THAT ALSO SUPPORT "EXTRAORDINARY AND COMPELLING" CIRCUMSTANCES IN THE INSTANT MOTION, UNDER THE AMENDED 18 U.S.C. § 3582 OF THE (F.S.A.), SECTION 603 OF THE ACT AMENDED § 3582 (c)(1)(A); TO PERMIT DEFENDANTS TO MOVE THE SENTENCING COURT FOR MODIFICATION OF SENTENCE STATING THAT "AFTER THE DEFENDANT HAS FULLY EXHAUSTED ALL ADMINISTRATIVE RIGHTS TO APPEAL, A FAILURE OF THE BUREAU OF PRISONS TO BRING A MOTION ON THE DEFENDANT'S BEHALF, OR THE Lapse OF 30 DAYS FROM THE RECEIPT OF SUCH A REQUEST TO THE WARDEN OF THE DEFENDANT'S FACILITY, WHICHEVER IS EARLIER, MAY REDUCE THE TERM OF IMPRISONMENT, AFTER CONSIDERING THE FACTORS SET FORTH IN 18 U.S.C. § 3553 (a) TO THE EXTENT THAT THEY ARE APPLICABLE."

SECTION 3582 (c)(1)(A)

RAMSAY HAS EXHAUSTED THE REQUIRED ADMINISTRATIVE REMEDY PRIOR TO MOVING THIS COURT FOR RELIEF UNDER 18 U.S.C. § 3582 (c)(1)(A)(i). RAMSAY SUBMITTED A REQUEST VIA "ELECTRONIC E-MAIL" TO THE OFFICE OF THE WARDEN (WARDEN S. FINLEY)

OVER THIRTY (30) DAYS PRIOR TO THIS DATE
 5/25/2020, AND HAS NOT RECEIVED A RESPONSE.
 "AN INMATE MAY INITIATE A REQUEST [TO THE WARDEN]
 FOR CONSIDERATION UNDER 18 U.S.C. SECTION 3582
 (c)(1)(A) ONLY WHEN THERE ARE PARTICULARLY
 EXTRAORDINARY OR COMPELLING CIRCUMSTANCES WHICH
 COULD NOT REASONABLY HAVE BEEN FORSEEN BY THE
 COURT AT THE TIME OF SENTENCING." PS. 5050.50,
 28 C.F.R. § 511.61.

THE REQUEST THAT RAMSAY NOW
 SUBMITS TO THE COURT WILL DETAIL THE EXTRA-
 ORDINARY AND COMPELLING CIRCUMSTANCES FOR COMPASSIONATE
 RELEASE / REDUCTION OF SENTENCE THAT COULD NOT HAVE
 REASONABLY BEEN FORSEEN BY THE COURT AT HIS
 JANUARY, 23, 1998, SENTENCING. SPECIFICALLY, BECAUSE
 OF THE CHANGES IN LAW THAT HAS OCCURED LONG
 AFTER RAMSAY WAS SENTENCED BY THE COURT, RAMSAY'S
 SENTENCE OF "LIFE" IN PRISON IMPOSED FOR HIS
 CONVICTION, MIGHT NOT BE THE SAME, WITH THE CHANGES
 IN LAWS AND SENTENCING SCHEMES.

4/ CONSIDERATIONS FOR COMPASSIONATE RELEASE / RE-
DUCTION OF SENTENCE IS AVAILABLE TO RAMSAY.

COMPASSIONATE RELEASE / R.I.S. CODIFIED AT
 (5)

18 U.S.C. § 3582(c), PROVIDES A NARROW PATH FOR DEFENDANTS, LIKE RAMSAY, IN "EXTRAORDINARY AND COMPELLING REASONS" TO LEAVE PRISON EARLY. SECTION 3582(c)(1)(A)(i).

ANY REDUCTION IN SENTENCE, HOWEVER, MUST COMPLY WITH:

18 U.S.C. § 3553(a) FACTORS AND APPLICABLE POLICY STATEMENTS

ISSUED BY THE SENTENCING COMMISSION. PRIOR TO THE

FSA, THE SENTENCING COMMISSION'S POLICY STATEMENT

REQUIRED BOTH "EXTRAORDINARY AND COMPELLING" REASONS,

AND THAT, "THE DEFENDANT IS NOT A DANGER TO THE

SAFETY OF ANY OTHER PERSON OR TO THE COMMUNITY, AS

PROVIDED IN 18 U.S.C. SECTION 3142(e)." U.S.S.G. § 1B1.12.

CONGRESS HAS NEVER DEFINED WHAT CONSTITUTES

"EXTRAORDINARY AND COMPELLING REASONS." BEFORE THE

PASSAGE OF THE FSA, THE SENTENCING COMMISSION'S

POLICY STATEMENT LISTED THREE SPECIFIC EXAMPLES

OF EXTRAORDINARY AND COMPELLING REASONS TO CONSIDER

IN REDUCING A DEFENDANT'S SENTENCE UNDER § 3582

(c)(1)(A); (1) MEDICAL CONDITION, (2) ADVANCE AGE,

AND (3) FAMILY CIRCUMSTANCES. ID N.1 (A)-(C). BOP MEMO.

HOWEVER, THE SENTENCING COMMISSION

PROVIDED A (CATCH-ALL) PROVISION THAT ALLOWS THE

BOP'S DIRECTOR TO DETERMINE THAT "THREE

EXIST IN THE DEFENDANT'S CASE AN EXTRAORDINARY

AND COMPELLING REASON OTHER THAN, OR IN COMBINATION

WITH THE REASONS DESCRIBED IN SUBDIVISIONS (A)-(C)." U.S.S.C. § 1B1.13 CMT. N.1(D). THE SENTENCING COMMISSION, HOWEVER, NEVER HARMONIZED ITS POLICY STATEMENT WITH THE FSA. RATHER, THE OUTDATED POLICY STATEMENT STILL ASSUMES THAT COMPASSIONATE RELEASE / R.I.S. MAY BE GRANTED ONLY UPON MOTION BY THE DIRECTOR OF THE BUREAU OF PRISONS. U.S.S.C. § 1B1.13 CMT. N.4. THIS, HOWEVER, IS NO LONGER THE LAW IN THE WAKE OF THE FIRST STEP ACT.

5 B. CASE(S) LAW IN SUPPORT OF COURT'S JURISDICTION.

UNITED STATES V. LYNN, 2019 U.S. DIST. LEXIS 135987 (S.D. ALA. AUG. 13, 2019), APPEAL DOCKETED, NO. 19-3239 (11TH CIR. AUG. 21, 2019), UNITED STATES V. CANTU-RIVERA, 2019 WL 2498923 AT*5 (S.D. TEX. JUNE 17, 2019); SEE ALSO, UNITED STATES V. BECK, 2019 WL 2716505 AT*6 (M.D. N.C. JUNE 28, 2019), UNITED STATES V. FOX, 2019 WL 3046086 AT*3 (D. ME. JULY 11, 2019);

"DISTRICT COURTS HAVE GRANTED RELIEF UNDER THE NEWLY AMENDED SECTION 3582 (c)(1)(A)(i)." SEE; E.G., UNITED STATES V. URKEVICH, 2019 WL 6037391 (D. NEB. NOV. 14, 2019). ALSO, CANTU-RIVERA, 2019 WL

2498923 (S.D. TEX. JUNE 24, 2019). IN REDUCING PANTU-RIVERA'S SENTENCE, THE COURT MODIFIED THE MANDATORY LIFE SENTENCING TO TIME SERVED UNDER § 3582 (c)(1)(A)(i). SEE ALSO: UNITED STATES V. WALKER, 2019 U.S. DIST. LEXIS 180084 (N.D. OHIO OCT. 17, 2019), UNITED STATES V. MAUMAY, U.S. DIST. LEXIS 28392 (CO. UTAH, FEB. 18, 2020). ALSO, SEE: UNITED STATES V. HANDERMAN, 2019 U.S. APP. LEXIS 29988 (3d CIR. SEPT. 11, 2019).

6. SCIENTIFIC EVIDENCE IN RELATION TO RAMSAY.

IN THE WAKE OF CRIMINAL JUSTICE REFORM IN COMPLIANCE WITH THE RULES SET FORTH IN "THE FIRST STEP ACT" AND "THE FAIR SENTENCING ACT" SIGNED INTO LAW BY PRESIDENT DONALD TRUMP ON DEC 29, 2018, RAMSAY IS RESPECTFULLY PETITIONING THE COURT FOR "COMPASSIONATE RELEASE/ REDUCTION OF SENTENCE, A SUBSIDIARY PROVISION APPLICABLE TO FEDERAL PRISONERS WHO ARE ELIGIBLE FOR THE FAIR SENTENCING AND FIRST STEP ACT(S). (SEE: FACTUAL AND PROCEDURAL BACKGROUND PERTAINING TO CASE HISTORY.)

TO DATE, MAY 25, 2020, RAMSAY HAS BEEN INCARCERATED FOR 26 YEARS OF HIS LIFE. AS MENTIONED, PRESIDENT DONALD TRUMP HAS SIGNED INTO

LAW, BILLS WHICH OPEN UP NEW AVENUES FOR INMATES IN SITUATIONS LIKE THE ONE RAMSAY IS IN, TO SEEK RELIEF FROM A LIFE SENTENCE. MY ARGUMENTS/PLEAS ARE BASED ON ACTUAL FACTS FROM THE RECORDS OF THE CASE. I WILL RELATE THEM IN NUMERICAL ORDER TO ESTABLISH MY CONTENTIONS.

1) THE CRIME WAS COMMITTED WHEN I WAS EIGHTEEN (18) YEARS OLD. IT IS TO THE UNDERSTANDING BASED ON ACTUAL SCIENTIFIC STUDIES, UNDER TODAY'S LAWS, THE RENDERING OF THE SENTENCE, IF IMPOSED UNDER THE NOW EXISTING LAWS AND SENTENCING SCHEME, THAT RAMSAY WOULD NOT HAVE BEEN SENTENCED TO LIFE IMPRISONMENT AT THE YOUNG AGE OF 18.

IN (CRUZ V UNITED STATES, 2018 U.S. DIST. LEXIS 52924, 2018 WL); THE COURT REASONED: "THAT MILLER V ALABAMA, 567 U.S. 460, 132 S. CT. 2455, 183 L. ED 2d 407. (2012), APPLIES TO 18-YEAR-OLDS AND THUS THAT THE EIGHTH AMENDMENT FORBIDS A SENTENCING SCHEME THAT MANDATES "LIFE IN PRISON" WITHOUT POSSIBILITY OF PAROLE FOR OFFENDERS WHO WERE 18 YEARS OLD AT THE TIME OF THEIR CRIMES. (SEE ALSO; QUOTE FROM DR. LAURENCE STEINBOG, ETAL.) (NATIONAL CENTER FOR JUVENILE JUSTICE, U.S. AGE BOUNDARIES OF DELINQUENCY 2016 (DOC. NO. 115-8) AT 21.

YOUNG ADULTHOOD AS A TRANSITIONAL LEGAL CATEGORY. 85 FORDHAM L. REV. 641, 666, N. 156 (2016). DR. STEINBERG STATED: "PEOPLE BEGAN TO RESEARCH IN THAT PERIOD OF TIME TOWARD THE END OF THE DECADE AND AS WE MOVED INTO 2010 AND BEYOND, THERE BEGAN TO ACCUMULATE SOME RESEARCH ON DEVELOPMENT IN THE BRAIN BEYOND AGE 18, SO WE DIDN'T KNOW A GREAT DEAL ABOUT BRAIN DEVELOPMENT DURING LATE ADOLESCENCE UNTIL MORE RECENTLY. THEREFORE, WHEN THE ROPER COURT DREW THE LINE AT AGE 18 IN 2005, THE COURT DID NOT HAVE BEFORE IT THE RECORD OF SCIENTIFIC EVIDENCE ABOUT LATE ADOLESCENCE THAT IS NOW BEFORE THE COURT."

RELYING ON BOTH THE SCIENTIFIC EVIDENCE AND THE SOCIAL EVIDENCE OF NATIONAL CONSENSUS, THE COURT CONCLUDES THAT THE HALLMARK CHARACTERISTICS OF JUVENILES THAT MAKE THEM LESS CULPABLE ALSO APPLIES TO 18 YEAR OLDS. AS SUCH, THE PENOLOGICAL RATIONALES FOR IMPOSING LIFE IMPRISONMENT WITHOUT THE POSSIBILITY OF PAROLE CANNOT BE USED AS JUSTIFICATION WHEN APPLIED TO AN 18 YEAR OLD YOUTH.

TAKING THE OVERWHELMING FACTS STATED BY THE TOP PROFESSIONALS IN THE FIELD OF BRAIN DEVELOPMENT, THE LIFE SENTENCE

IMPOSED ON MR. RAMSAY MORE THAN (22) YEARS AGO, WITHOUT THE POSSIBILITY OF PAROLE, WOULD BE UNDER GREAT LEGAL SCRUTINY TODAY IN THE YEAR OF 2020. ALTHOUGH, EVEN WITH ALL OF THE DOCTOR'S PRESENTED SCIENCE, IT IS STILL NOT TO SAY, THAT A LIFE SENTENCE COULD HAVE STILL BEEN RENDERED BY THE COURT, HOWEVER, A LOT OF MITIGATING FACTORS WOULD HAVE TO GO BEFORE THE TRAIL JURY FOR A PRISON TERM OF LIFE TO BE REQUIRED, FACTORS THAT WERE NEVER PRESENTED FOR THE RECORD DURING TRAIL, DUE TO A DIFFERENCE IN PROCEEDINGS FROM THEN UP UNTIL NOW.

UNDER THE SENTENCING SCHEME, BEFORE CONGRESS VOTED IN AND IMPLEMENTED NEW LAWS THAT LOOSENE THE BINDING LIMITS UPON JUDGES AND THE COURTS, JUDGES COULD NOT DEPART FROM MANDATORY BINDS, EVEN WHEN THEY WANTED TO USE THEIR JUDICIARY DISCRETION TO IMPOSE A BEFITTING SENTENCE, LIKE IN THE CASE OF RAMSAY.

2. THE COURT'S OWN RECORD WILL REFLECT THE RELUCTANT ATTITUDE OF THE TRAIL JUDGE WHEN BOUND BY THE MANDATORY STATUTES, HAVING TO IMPOSE A LIFE SENTENCE UPON MR. RAMSAY. (SEE EXHIBIT 1, PAGE 3). QUOTING THE COURT, "DESPITE THE VERY

SERIOUS NATURE OF THE OFFENSE HERE INVOLVED THAT RESULTED IN THE WANTON MURDER OF THREE PERSONS, AND DESPITE THE OBVIOUS NEED IN SUCH CIRCUMSTANCES FOR A VERY SEVERE SENTENCE, BOTH TO PUNISH THE DEFENDANT FOR THIS TERRIBLE DEED AND TO DETER OTHERS, THE COURT, LIKE MANY OTHER COURTS, IS NOT ENTIRELY COMFORTABLE WITH THE FACT THAT THE SENTENCING GUIDELINES LEAVE NO MEANINGFUL DISCRETION IN THIS SITUATION. "END QUOTE.

(PLEASE SEE EXHIBIT 2, PAGES). QUOTED FROM COURT RECORD, "THE NEED FOR A VERY SEVERE SENTENCE IS OBVIOUS. WHAT IS NOT SO OBVIOUS IS THAT A DETERMINATION BY THE SENTENCING COMMISSION THAT A 24-YEAR-OLD PERSON WHO, ON THE RECORD BEFORE THE COURT IS NOT WITHOUT PROMISE OF SALVAGEABILITY AS A RESPONSIBLE PERSON IS IN EFFECT DETERMINED TO BE SOMEONE SOCIETY WILL FOREVER REMOVE FROM ITS EVERYDAY AFFAIRS." END QUOTE.

THE RECORD HERE IS CLEAR CONCERNING TWO EXTREMELY IMPORTANT MITIGATING FACTORS ON RAMSAY'S REQUEST FOR RECONSIDERATION OF SENTENCE AND THEY ARE, 1)

THE AGE RAMSAY WAS WHEN THE CRIME WAS COMMITTED (18); TO WHICH, ACCORDING TO MODERN DAY SCIENTIFIC STUDIES, RAMSAY WOULD BE CONSIDERED AS A JUVENILE

WHO COMMITTED A CRIME. 2) THE SENTENCE IMPOSED TODAY WOULD NOT BE A LIFE SENTENCE SPECIFICALLY IN THE EVENT THAT THE SENTENCING JUDGE WOULD STILL BE THE HONORABLE JUDGE JED. S. RAKOFF.

FOR THE FOREGOING FACTS AND REASONS THAT WERE NOT AVAILABLE TOWARDS MITIGATING FACTORS IN SUPPORT FOR RAMSAY DECADES AGO, RAMSAY RESPECTFULLY MAKES HIS PLEA TO THE COURT TO CONSIDER FACTORS THAT WERE NOT AVAILABLE BACK THEN AND GRANT COMPASSIONATE RELIEF IN A FORM THAT WOULD ALLOW MR. RAMSAY TO ONE DAY RE-ENTER BACK INTO SOCIETY.

7. MODIFICATION OF RAMSAY'S SENTENCE IS CONSISTENT WITH 18 U.S.C. § 3553(a) FACTORS.

ANY REDUCTION OF RAMSAY'S SENTENCE ON COUNT ONE (1) FROM THE IMPOSED LIFE SENTENCE MANDATED BY THE SENTENCING GUIDELINES TO EITHER TIME SERVED OR A TERM TO WHERE RELEASE FROM INCARCERATION CAN BE ACHIEVED IS CONSISTENT WITH ALL OF THE FACTORS SET FORTH IN 18 U.S.C. § 3553(a), ESPECIALLY § 3553(a)(2)(A) ("THE NEED FOR SENTENCE IMPOSED... TO REFLECT THE

SERIOUSNESS OF THE OFFENSE TO PROMOTE RESPECT FOR THE LAW, AND TO PROVIDE JUST PUNISHMENT FOR THE OFFENSE"), AND § 3553 (a)(6) ("THE NEED TO AVOID UNWARRANTED SENTENCE DISPARITIES AMONG DEFENDANTS WITH SIMILAR CONDUCT").

RAMSAY BELIEVES THE FACTS REFLECTED IN THE COURT'S SENTENCE UNDER COUNT ONE REFLECTS WHAT SOCIETY BELIEVES IS JUST PUNISHMENT TODAY FOR HIS OFFENSE OF CONVICTION. INDEED, THERE IS LITTLE DOUBT THAT THE TIME RAMSAY HAS SPENT IN PRISON REFLECTS THE SERIOUSNESS OF HIS OFFENSE WHICH, IN TURN, PROVIDES RESPECT FOR THE LAW ESPECIALLY GIVEN THAT RAMSAY HAS ALREADY SERVED MORE THAN 2 (TWO AND A HALF) DECADES IN PRISON.

CONCLUSION:

RAMSAY RESPECTFULLY PRAYS THAT THIS COURT WILL GRANT THIS MOTION FOR COMPASSIONATE RELEASE AND REDUCE HIS TERM OF "MANDATORY LIFE" TO A SENTENCE OUTSIDE OF A DEATH SENTENCE AND APPOINT COUNSEL TO ASSEST RAMSAY TO BETTER ARTICULATE HIS CIRCUMSTANCES.

RAMSAY HAS EXHIBITED EXTRAORDINARY

AND COMPELLING REASONS THAT WARRANT THE COURT TO GRANT HIM COMPASSIONATE RELEASE/ REDUCTION OF SENTENCE UNDER § 3582 AND CONGRESS' INTENT IN CREATING THE FIRST STEP ACT TO INCLUDE ALLOWING COURTS TO REVIEW REQUESTS FOR COMPASSIONATE RELEASE. RAMSAY ASSERTS THAT HIS SITUATION IS EXACTLY THE TYPE OF CASE THAT CONGRESS HAD IN MIND AT THE TIME IT DRAFTED THE FSA. THEREFORE RAMSAY HUMBLY ASKS THAT HE ALSO BE GIVEN A SECOND AND NEW CHANCE AT LIFE BASED ON THE FACTS HE HAS PRESENTED HERE TODAY.

DATED: JUNE, 1, 2020

RESPECTFULLY SUBMITTED

SIGNED: Andrew Ramsay

ANDREW RAMSAY - PRO SE

REC. NO. 43283-054

F.C.I. SCHUYLKILL

P.O. BOX. 759

MINERSVILLE, PA. 17954-0759

VERIFICATION

I, ANDREW RAMSAY, DO HEREBY
CERTIFY UNDER PENALTY OF PERJURY, (SEE:)
28 U.S.C. § 1746, THAT THE FOREGOING IS TRUE
AND CORRECT TO THE BEST OF MY KNOWLEDGE AND
RECOLLECTION.

DATED: JUNE, 1, 2020.

SIGNED: Andrew Ramsay

ANDREW RAMSAY

Sentence

1 there was no good cause, in the Court's view, shown for that
2 application. To the contrary, the Court observed at trial
3 very substantial evidence of the zeal and professionalism
4 and competency with which defense counsel, in close
5 collaboration with his client, had defended this case.

6 Let's proceed, then, to the question of whether
7 defense counsel has any objections to any of the statements
8 in the pre-sentence report.

9 MR. DUNN: No, your Honor.

10 THE COURT: Does the government have any
11 objections?

12 MR. COHEN: No, your Honor.

13 THE COURT: I will note that I have
14 independently, and very carefully indeed, reviewed the
15 underlying facts and the conclusions drawn by the probation
16 officer, and I concur that the total offense level is 43 and
17 the criminal history category is Roman numeral I, calling
18 for a mandatory life imprisonment sentence.

19 Despite the very serious nature of the offense
20 here involved that resulted in the wanton murder of three
21 persons, and despite the obvious need in such circumstances
22 for a very severe sentence, both to punish the defendant for
23 this terrible deed and to deter others, the Court, like many
24 other courts, is not entirely comfortable with the fact that
25 the sentencing guidelines leave no meaningful discretion in

Sentence

1 this situation. But I have neither been furnished with any
2 requests for departure nor seen on my own any likely basis
3 on which a departure could be considered. Therefore, I am
4 bound by the requirements of the guidelines in this respect.

5 Let me hear from defense counsel and then from
6 the defendant, if he wishes to be heard, and then from the
7 government, if it wishes to be heard, before I pronounce
8 final sentence.

9 MR. DUNN: Your Honor, I attempted to look at
10 things that might get a departure, and I would have loved to
11 have presented something to the Court in that regard. But
12 I, unfortunately, didn't find anything.

13 I would just note for the Court that I think this
14 was a difficult trial for all parties involved. There was
15 some very tense testimony during the case. The witness who
16 basically said Mr. Ramsey was the shooter, it really came
17 down to testimony that she gave in the grand jury, since in
18 subsequent proceedings it changed to it wasn't him, to
19 finally here where she didn't remember. But the jury spoke
20 and they found Mr. Ramsey guilty.

21 It is just a very sad situation. I wish there
22 were some way that you could sentence him to 30 years or
23 something like that.

24 THE COURT: I think the question of what the jury
25 concluded I have long since made all my rulings on, and that

81nrrams

(EXHIBIT 2)

Sentence

1 is not an issue for me here. The egregiousness of the
2 offense is obvious. The need for a very severe sentence is
3 obvious. What is not so obvious is that a determination by
4 the Sentencing Commission that a 24-year-old person who, on
5 the record before the Court, is not without promise of
6 salvageability as a responsible person, is in effect
7 determined to be someone whom society will forever remove
8 from its everyday affairs.

9 I can't totally escape the notion that on all the
10 facts and circumstances of this case, extreme though they be
11 in terms of the awfulness of what Mr. Ramsey did, that
12 society as a whole is not entirely well served by adding, in
13 effect, a fourth removal from the everyday world to the
14 three who were so brutally taken away from this world. But
15 it would be an absolute flat derogation of duty on my part
16 not to impose the law as the law is written. So I make
17 these remarks only for whatever small benefit they might
18 have to the Sentencing Commission in future cases where the
19 sentence of human beings, whether good or not, so readily
20 defined, it seems to me, as to be excluded from the exercise
21 of the discretion of the court that has had more nuanced
22 inputs than any court has in any case before it. But there
23 it is.

24 Is there anything further that defense counsel
25 wants to say? Then I will hear from the defendant.

1 MR. DUNN: No, your Honor.

2 THE COURT: Mr. Ramsey?

3 THE DEFENDANT: Good evening, your Honor.

4 Basically, first and foremost, I would like to say that I
5 feel sympathy for the family for its loss. Me as an
6 individual, I don't have no knowledge about law itself in
7 general. I was charged for a crime that at least the
8 government said I committed. I state my innocence to this
9 day. I wasn't brought up as a lawyer.

10 Basically, your Honor, this is something new to
11 me, and I ask if you would just bear with me right now,
12 because I know that I am looking at a lot of time. I will
13 be away from my family for a while. All I ask God for right
14 now is to give me strength to go on with my life and to make
15 it wherever I go. I'm a strong kid, and generally, you
16 know, whereas with my family and everything, I will try to
17 be there for them even while I'm incarcerated. I would ask
18 your Honor to have leniency, if I'm saying the word
19 correctly, on me.

20 I had looked at something this morning, before I
21 came to court this morning, in the PSI report. I think I
22 had told me lawyer before about it, about individuals who
23 they said I was racketeering with or who I was in a gang
24 with. The government had asked a couple of people to come
25 in and testify against me who was in the so-called gang.

8lnrrams

Sentence

1 They didn't show up. I don't know the reason why. I had
2 specifically asked my lawyer if he could get those people to
3 be on my defense. As I said before, I don't know about law,
4 how you go about that. They wasn't here.

5 Basically, your Honor, I was in a situation, a
6 bad situation at a bad time. As I say, people, places and
7 things, there are a lot of individuals in the street as a
8 black man, a young black man, who would be in a predicament
9 like me right now. I guess I have to deal with the
10 consequences.

11 All I can ask your Honor for is the best leniency
12 you can do for me, your Honor, I appreciate it, and I ask
13 God to help me go on while I'm incarcerated. That's
14 probably it, your Honor.

15 THE COURT: I appreciate that statement.

16 Let me hear if there is anything the government
17 wants to say.

18 MR. COHEN: Your Honor, if we could have just one
19 moment?

20 THE COURT: Yes.

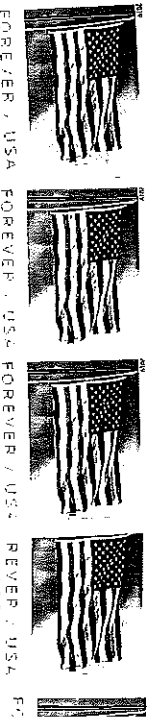
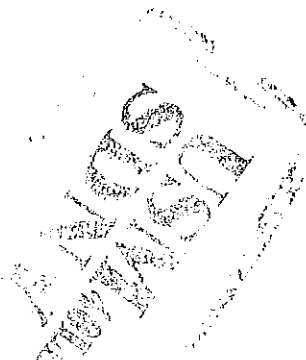
21 (Pause)

22 MR. COHEN: Judge, we have nothing.

23 THE COURT: Were there any discretion to impose
24 less than a life imprisonment term, I would have seriously
25 considered that, although I certainly would not have

Andrew Ramsey - 43283-054-2B.
F. C. J. Sturgis
P. O. Box 759.
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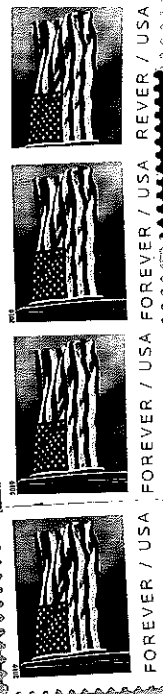
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